

SENATE BILL NO. 189

INTRODUCED BY BALYEAT, J. TROPILA, M. TROPILA, LEWIS, BARKUS, GLASER, B. BECK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS GOVERNING THE DISPOSITION OF CIVIL FINES, SETTLEMENT PROCEEDS, COSTS, AND FEES RECOVERED IN CONSUMER PROTECTION ACTIONS; DIRECTING THE ADOPTION OF PROCEDURES FOR DISTRIBUTION OF SETTLEMENT PROCEEDS RECEIVED ON BEHALF OF CONSUMERS TO THE CONSUMERS ON WHOSE BEHALF THE SETTLEMENT IS MADE; AMENDING SECTIONS 30-14-143 AND 30-14-226, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 30-14-143, MCA, is amended to read:

"30-14-143. Disposition of civil fines, settlement proceeds, costs, and fees. (1) ~~(a) All~~ Subject to subsection (1)(b), all civil fines, settlement proceeds, costs, and fees received or recovered by the department pursuant to this part must be deposited into a state special revenue account to the credit of the department and must be used to defray the expenses of the department in discharging its administrative and regulatory powers and duties in relation to this part. The balance in the account may not exceed TWO TIMES the amount of the budget for the current biennium and the projected budget for the succeeding biennium. Any excess civil fines, settlement proceeds, costs, or fees must be transferred to the general fund.

(b) The department shall adopt procedures designed to distribute settlement proceeds received on behalf of consumers to the consumers on whose behalf the settlement is made on a pro-rata basis. Settlement proceeds not distributed to consumers pursuant to this subsection (1)(b) within 1 year after the proceeds are received are subject to the provisions of subsection (1)(a).

(2) All civil fines, settlement proceeds, costs, and fees received or recovered by a county attorney pursuant to this part must be paid to the general fund of the county in which the action was commenced."

Section 2. Section 30-14-226, MCA, is amended to read:

"30-14-226. Disposition of civil fines, settlement proceeds, costs, and fees. (1) ~~All~~ Subject to subsection (2), all civil fines, settlement proceeds, costs, and fees received or recovered by the department

1 pursuant to this part must be deposited into a state special revenue account to the credit of the department and
2 must be used to defray the expenses of the department in discharging its administrative and regulatory powers
3 and duties in relation to this part. The balance in the account may not exceed TWO TIMES the amount of the budget
4 for the current biennium and the projected budget for the succeeding biennium. Any excess civil fines, settlement
5 proceeds, costs, or fees must be transferred to the general fund.

6 (2) The department shall adopt procedures designed to distribute settlement proceeds received on behalf
7 of consumers to the consumers on whose behalf the settlement is made on a pro rata basis. Settlement proceeds
8 not distributed to consumers pursuant to this subsection within 1 year after the proceeds are received are subject
9 to the provisions of subsection (1)."

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11 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2009.

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